

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LARRY MILLER,

Petitioner,

v.

LARRY DENNEY,

Respondent.

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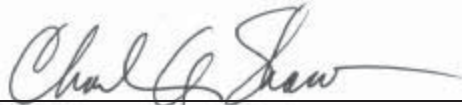
No. 4:10-CV-314 CAS

MEMORANDUM AND ORDER

On March 3, 2010, the undersigned ordered that on or before April 2, 2010, the parties were to inform the Court, in writing, whether the Honorable Booker Shaw, the undersigned's brother, presided over any aspect of petitioner's state court proceedings. Neither party responded to the March 3, 2010 Memorandum and Order. It has recently come to the Court's attention that indeed Judge Booker Shaw did preside over petitioner's appeal in state court. Therefore, the undersigned concludes there are circumstances present in this case which give rise to the need for recusal pursuant to 28 U.S.C. § 455(b)(5)(iii).

Accordingly,

IT IS HEREBY ORDERED that this case is transmitted to the Clerk of the Court for random reassignment to another district judge.



**CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE**

Dated this 23rd day of January, 2013.